

# **Status Report on EPA Advisory Committees**

***FY 99***

## **Advisory Committee Management Contacts at EPA**

If you have any questions about this report or advisory committees at EPA, please contact the Committee Policy and Oversight Staff in the Office of Cooperative Environmental Management:

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## **Introduction**

Managers and staff across EPA have long recognized the importance of involving all partners, stakeholders, and customers in Federal decision-making processes. Although used by the Agency since its inception, in recent years advisory committees created under the Federal Advisory Committee Act have come to be viewed as a key part of the involvement process. EPA has found that advisory committees are an important tool for soliciting expert participation and citizen involvement in developing a wide variety of environmental policies and programs, and for building consensus among the Agency's diverse customers and stakeholders.

In this era of government that “works better and costs less” it's critical that EPA's advisory process is well managed and enhances the Agency's ability to achieve its mission and priorities. EPA must gain maximum return on the investment of resources in its advisory committees, and capitalize on the excellent potential of the many high quality ideas and recommendations generated and exchanged via the advisory process.

This Status Report is one of the many tools EPA is using as it pays increasing attention to management of its advisory committees. It provides both an historical picture of advisory committees at EPA and a snapshot of the Agency's advisory committees in FY99.

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# **Structure and Alignment**

# EPA Advisory Committees

## Non-discretionary Committees

### *Committees Created by Statutory Authority*

Advisory Council on Clean Air Compliance Analysis (of SAB) (AO)  
Clean Air Scientific Advisory Committee (of SAB) (AO)  
FIFRA Scientific Advisory Panel (OPPTS)  
Good Neighbor Environmental Board (AO)  
National Drinking Water Advisory Council (OW)  
National Environmental Education Advisory Council (AO)  
EPA Science Advisory Board (AO)

### *Committees Created by Executive Order Authority*

Governmental Advisory Committee (of NAFTA) (AO)  
National Advisory Committee (of NAFTA) (AO)

### *Regulatory Negotiation Committees Created by Agency Authority*

Urban Wet Weather Flows Advisory Committee (OW)

## Discretionary Committees (limited by GSA/OMB ceiling)

### *Committees Created by Agency Authority*

Board of Scientific Counselors (ORD)  
Children's Health Protection Advisory Committee (AO)  
Clean Air Act Advisory Committee (OAR)  
Common Sense Initiative Council (AO) (**Terminated 2/99**)  
Endocrine Disrupter Screening and Testing Advisory Committee (OPPTS) (**Terminated 11/98**)  
Environmental Financial Advisory Board (OCFO)  
Environmental Laboratory Advisory Board (ORD)  
Gulf of Mexico Program Policy Review Board (Region 4)  
Industrial Non-hazardous Waste Policy Dialogue Committee (OSWER)  
Local Government Advisory Committee (AO)  
Microbial and Disinfectants/Disinfection Byproducts Advisory Committee (OW)  
National Advisory Committee for Acute Exposure Guideline Levels for Hazardous Substances (OPPTS)  
National Advisory Council for Environmental Policy and Technology (AO)  
National Environmental Justice Advisory Council (OECA)  
Pesticide Program Dialogue Committee (OPPTS)

## FACA Reporting Tiers at EPA

In an effort to reduce confusion when speaking of the different types of groups used by the Agency under the Federal Advisory Committee Act (FACA), the Committee Policy and Oversight Staff and the Agency's Designated Federal Officers decided to classify EPA's FACA groups into categories, or Tiers.

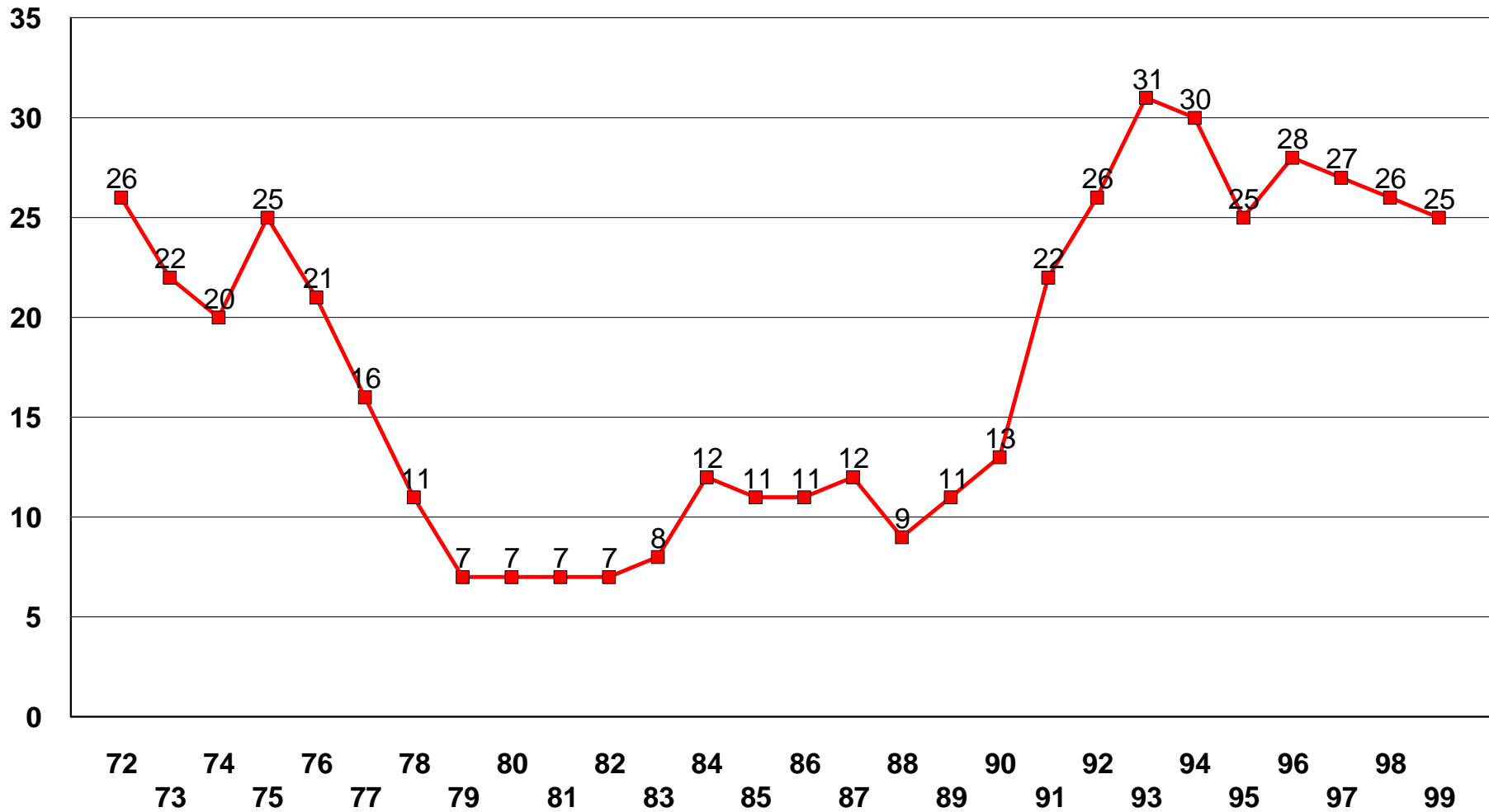
Tier One groups are the Agency's principal Federal advisory "committees." These groups are independently chartered, provide advice directly to EPA, and **MUST** adhere to all advisory committee requirements of FACA and the GSA Rule on Federal Advisory Committee Management. Examples of Tier One groups are the EPA Science Advisory Board, National Advisory Council on Environmental Policy and Technology, and Clean Air Act Advisory Committee. In FY99 EPA had **25 Tier One groups**.

Tier Two groups are directly subordinate to Tier One "parent" groups. Tier Two groups are not independently chartered under FACA, but are formally established with Agency approval. They cannot function independently of their "parent" group (i.e., they cannot provide advice directly to EPA). Tier 2 groups **MUST** adhere to all advisory committee requirements of FACA and the GSA Rule, except the requirement for an independent charter. Examples of Tier Two groups are the Environmental Health Committee (of SAB), Sanitary Sewer Overflow Subcommittee (of UWWFAC), and the Small Community Advisory Subcommittee of (LGAC). In FY99 EPA had **38 Tier Two groups**.

Tier Three groups are workgroups supporting either Tier One or Tier Two groups. These groups are established to perform specific tasks (e.g., to gather information, conduct research, analyze relevant issues and facts, draft proposed position papers). Some are standing groups, but many are ad-hoc and informal. Tier Three groups are not independently chartered under FACA and cannot function independently of their "parent" group (i.e., they cannot provide advice directly to EPA). Although EPA policy is to the extent practicable they **SHOULD** adhere to the advisory committee requirements of FACA and the GSA Rule, due to the ad-hoc or informal nature of many Tier Three groups, often their meetings are small and not public. Also due to the ad-hoc and informal nature of many of these groups there is no way to accurately count their number or membership at any time.

# Chartered (Tier 1) Committees

(Calendar Years 72-82, Fiscal Years 83-99)



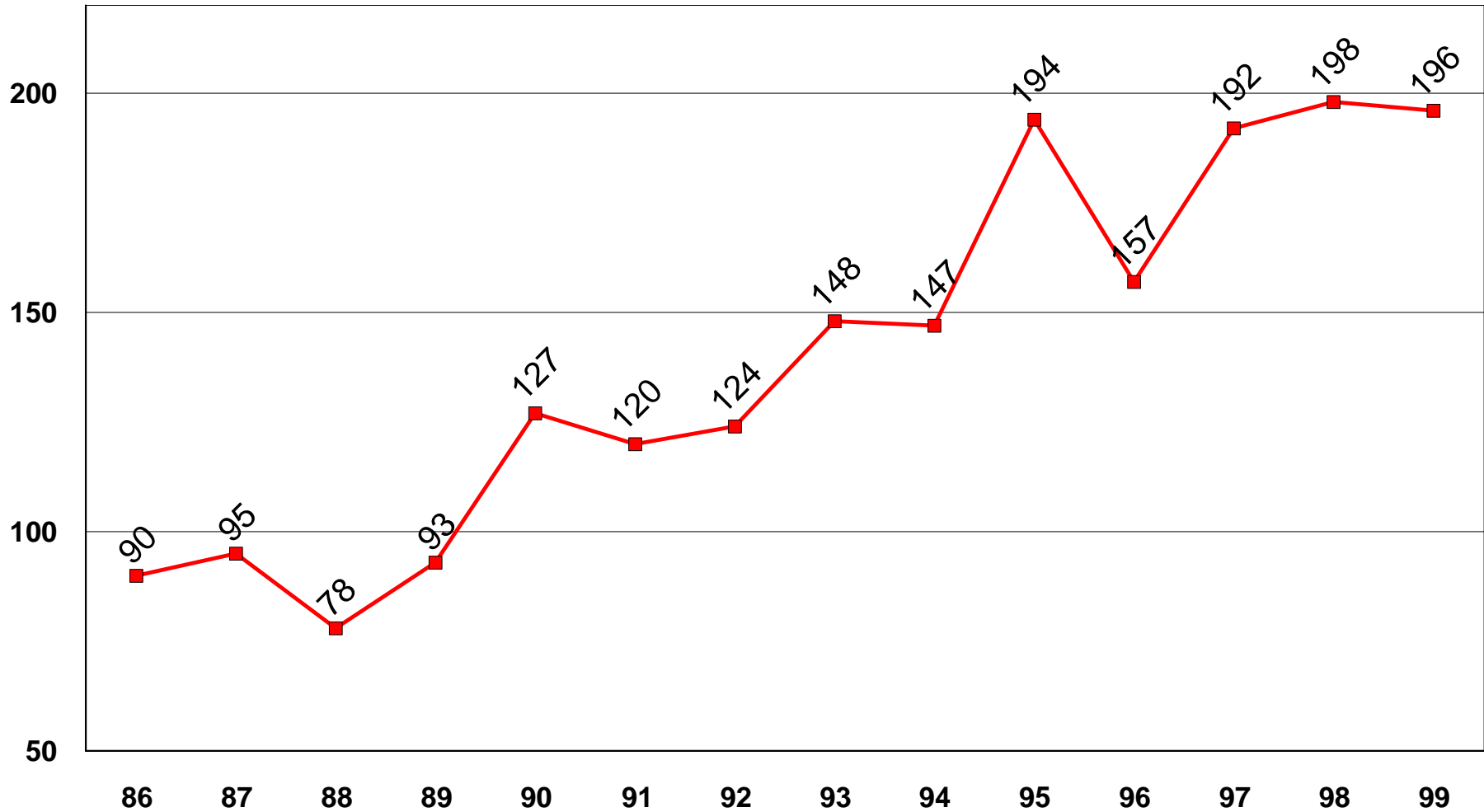


- 18 of the 25 Tier 1 committees were established in the 90's.
- ! The sharp increase beginning in FY91 was due to the creation of several committees focused on short duration issues, including those to process negotiated rulemakings (in such areas as: acid rain, underground injection control, the role of science at EPA, lead acid battery recycling, mining, reformulated and oxygenated gasoline, and accreditation of environmental laboratories); and 2 continuing committees (Clean Air Act Advisory Committee due to the Clean Air Act Amendments of 1990, and the Environmental Financial Advisory Board).
- ! Since FY91 EPA's regulatory reinvention initiatives have resulted in additional "peer review" advisory committees and an increase in public/stakeholder involvement in the development and implementation of new approaches to environmental management. The number of committees has increased, and thus the number of meetings has increased (as reflected in the next chart).

## **Meetings and Membership**

# The Number of Meetings Has Increased

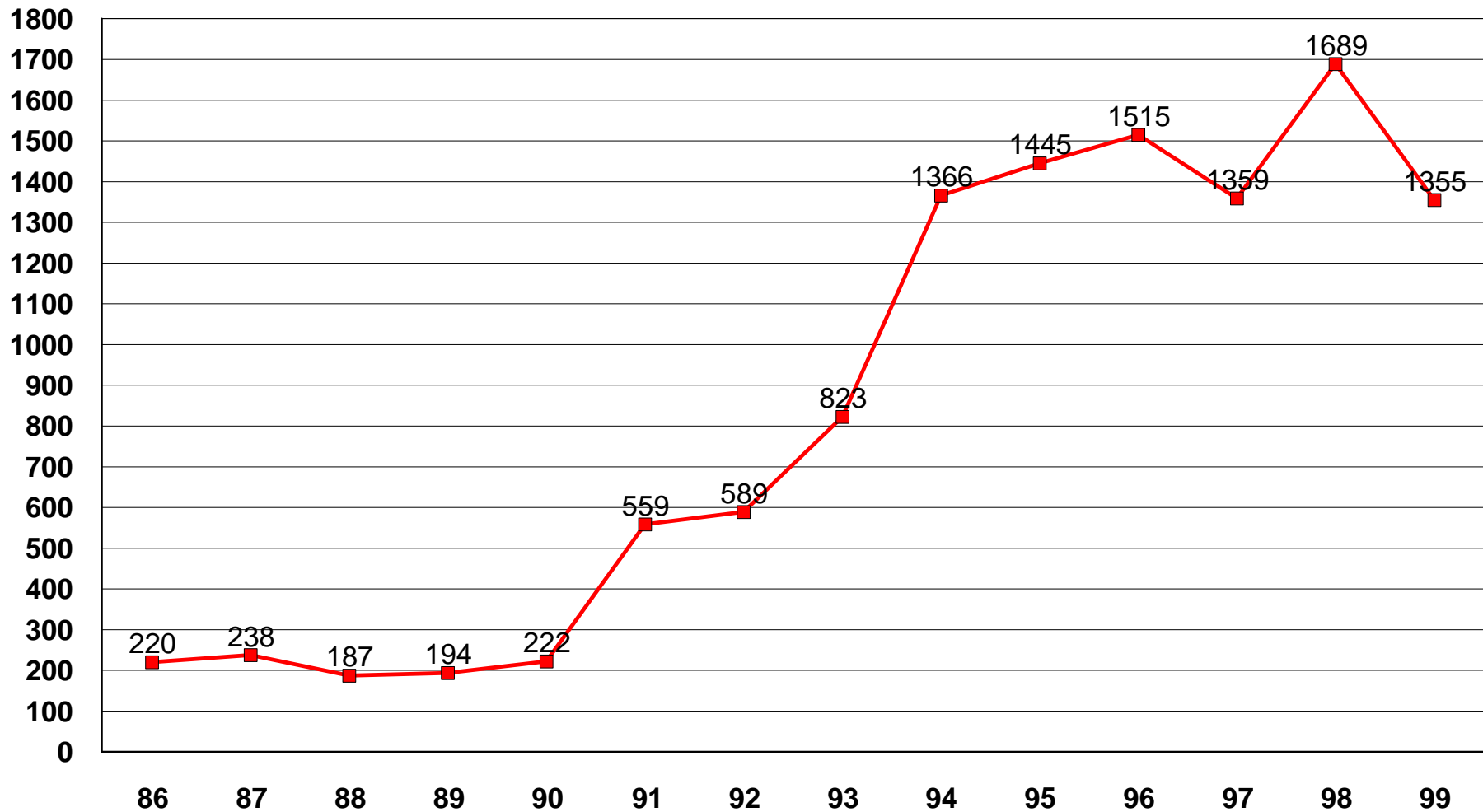
(Fiscal Years 86-99)



- ! All meetings on the chart (for Tiers 1 & 2) are announced in the Federal Register and open to the public.
- ! There are also many other work group level (Tier 3) meetings held either face to face or by teleconference; many of these are open to the public, but this is not required since Tier 3 groups don't have to comply with the requirements of FACA.
- ! The dip in number of meetings in FY96 was due to the effects of the shutdowns and the long running budget uncertainties that year.

# The Number of Members Has Increased

(Tier 1 & Tier 2 Groups, Fiscal Years 86-99)



- The Federal Advisory Committee Act requires committees to be fairly balanced in terms of the points of view represented and the committee's functions. Through the broad-based inclusion of the advisory committee process members bring a wide variety of interests and expertise to bear on EPA's activities. Members come from such diverse sectors as: academia, banking and finance, the legal community, business and industry, private citizens, community groups, environmental organizations, environmental justice groups, labor, state/local/tribal governments, medical and public health professionals, and consumer groups.
- Approximately 40% of EPA advisory committee members participate in Tier 1 groups; the other 60% participate in Tier 2 groups
- The chart does not include the approximately 250 experts and consultants who assist EPA's advisory committees, nor participants in Tier 3 workgroups.

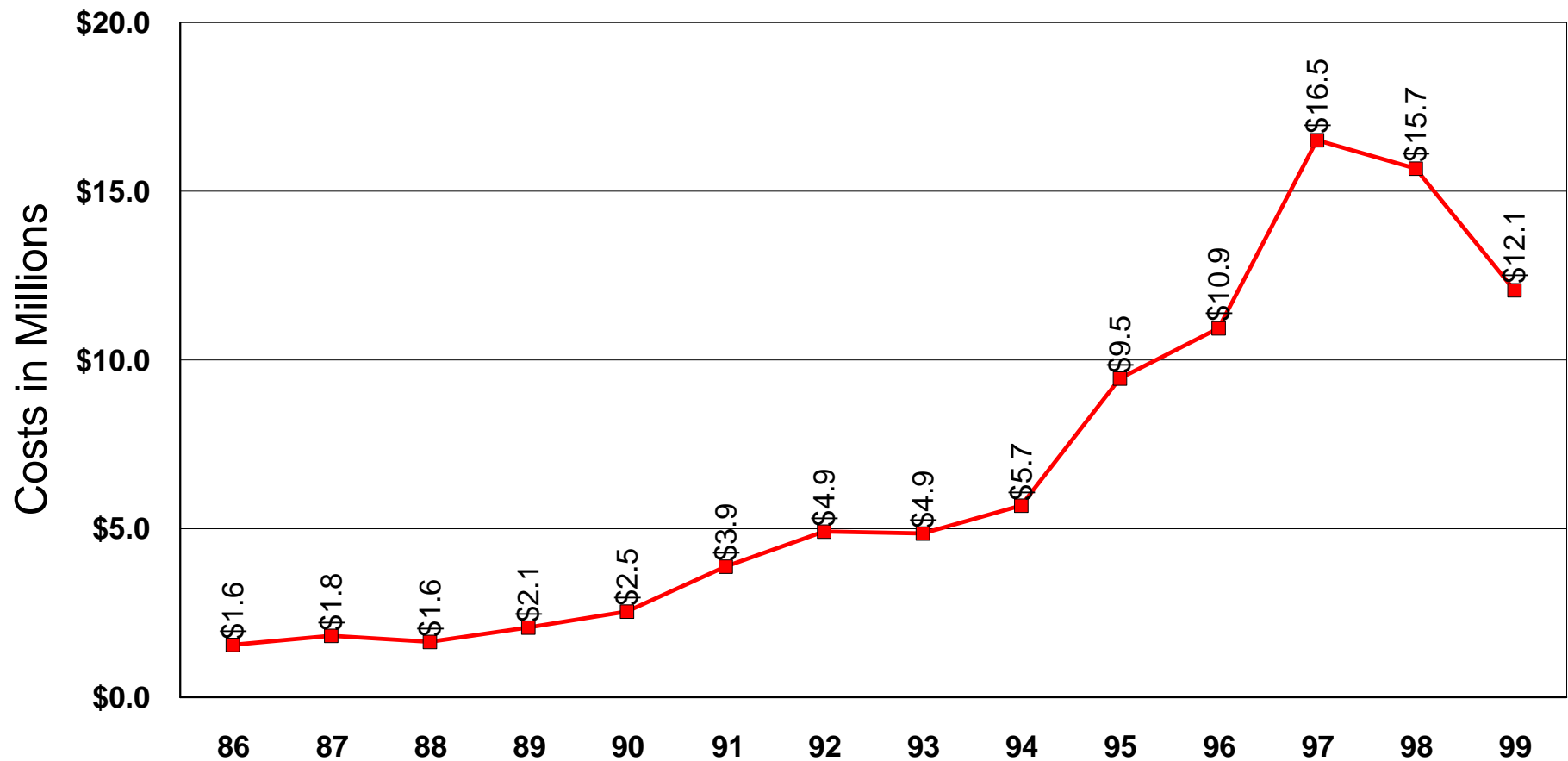
## **Issues and Topics**

- The wide range of issues EPA's advisory committees are considering include:
  - EPA laboratories and research policy and planning
  - Costs and benefits of the Clean Air Act and its implementing regulations
  - Prevention of adverse effects of the environment on children's health
  - Assessment of risk from exposure to pesticides
  - North American regional environmental cooperation and trade-and-environment interfaces
  - Sustainable development and binational approaches to environment-related problems in the U.S.-Mexico border region
  - Implementation of the Food Quality Protection Act
  - Improving the partnership between EPA and local governments to more effectively and efficiently address environmental concerns at the local level
  - ! Ensuring environmental justice issues and concerns are considered in EPA activities



# **Cost and Expenditures**

**Since FY86, Expenditures for Advisory  
Committee Costs Have Increased  
from about \$1.6M to \$16.5M and back down to \$12.1M**



- ! During the 90's EPA has become increasingly involved in complex and controversial issues (e.g., regulatory reinvention, local empowerment, community-based environmental protection, and cooperative environmental management, requiring greater public/stakeholder involvement and consensus on recommendations and solutions). The resulting increases in committees, members, and meetings has influenced the run-up in expenditures for advisory committees.
- ! EPA is aggressively pursuing management initiatives to improve the advisory process and ensure the Agency gets maximum value for its expenditures. EPA is focusing on improving the efficiency of operations (e.g., streamlining requirements and processes, automating committee management information and appropriate functions, and building advisory committee management professional capacity within the Agency); paying close attention to cost considerations (e.g., electronically gathering and tracking cost data, and exploring more cost-effective techniques for running advisory committees, such as using electronic means of communication in place of paper, teleconferences instead of travel, and new technologies to reduce support costs); and enhancing the quality of advisory committee recommendations and EPA's follow up on those recommendations.
- ! The increased attention to cost effectiveness appears to be paying off with a more than \$3.6M reduction in advisory committee costs in FY99 when compared to the previous year. This reduction reflects FY99 decreases in the number of committees, FTEs, and members - while the number of meetings remained the same as the previous year.

## **Recommendations and Results**

- ! EPA is trying to better identify the results, impacts, and successes of its advisory committees. At the most basic level, in meeting the purpose of the Federal Advisory Committee Act, EPA advisory committees are very successful. FACA says that advisory committees are a means of furnishing advice, recommendations, ideas, and diverse opinions to the Federal government. EPA's advisory committees most certainly do that.
- ! In FY99 advisory committees presented the Agency with 111 "reports" containing advice, recommendations, ideas, and opinions. Those reports took a variety of forms: letters, results of data gatherings, summaries of recommendations and advice, and full reports.
- ! Advisory committee recommendations and advice often result in changes in Agency policy and actions. Recent examples include:
  - ! Advice and recommendations on EPA's establishment of a new Clean Air Excellence Awards program
  - ! Development of a measurement process in the Agency's Pollution Prevention Program
  - ! Advice and recommendations for EPA's development of Food Quality Protection Act guidance for consumers

- ! Options for modifying NPDES policies which assisted EPA as it developed enforcement guidance related to sanitary sewer overflows due to storm water
- ! Advice and recommendations that have helped broaden the Agency's focus beyond human health concerns so it pays adequate attention to non-chemical stressors (e.g., habitat issues, physical alteration of ecosystems, introduced species) and other ecological risks
- ! Adoption of an environmental justice council model by several states (e.g., Maryland, Oregon, Louisiana), and a model Plan for Public Participation by various local governments and cities
- ! Advice and recommendations resulting in EPA establishing testing programs for internal combustion engines and boilers leading to emission standards for those sources of air pollution
- ! Advice and recommendations that assisted the Agency as it developed key regulations and guidance related to drinking water, including the first published Drinking Water Contaminant Candidate List
- ! A report used by EPA as the basis for reorganizing the Agency's information management and information resources projects, programs, and offices
- ! Advice and recommendations used by the Agency when it developed an air model for assessing Volatile Organic Compound risks from waste management units
- ! Recommendation of a National Metal Finishing Strategic Goals Program which, when implemented during FY98, resulted in voluntary sign up of over 250 metal finishing facilities, 17 states, and 31 publicly-owned treatment works

- ! Development and implementation of the Basic On-Line Disaster and Emergency Response plan which greatly reduces the effort needed by manufacturing facilities to produce Federal, state, and local required emergency response plans while providing fire departments and other emergency response agencies instant electronic access to emergency plans for the facilities
- ! Advice and recommendations resulting in changes to RCRA regulations to allow responsible recycling of cathode ray tubes, so that potentially 200,000 tons per year of glass can be recycled in a way that reduces the costs of television and computer monitor disposal and reduces solid waste generation
- ! Advice and recommendations used by the Agency in developing the implementation guidance for the revised ozone and particulate matter National Ambient Air Quality Standards and for the regional haze program

## **Management Improvements and Future Directions**



## **Management Improvements**

- ! EPA is pursuing a wide range of activities to improve the operations of its advisory committees, ensure effectiveness and reasonable cost, and promote a clear, strategic, coordinated outlook for its advisory committees.
- ! Examples of recent improvements include:
  - ! Development of an electronic data-base for sharing information across all EPA employees involved in advisory committee management
  - ! Development of an electronic data-base to gather and track data on advisory committee costs, resulting in more accuracy and reduced burden on Agency staff.
  - ! Streamlining requirements and processes by removing administrative burdens
  - ! Providing more helpful, useful, and relevant guidance to advisory committee members and Agency staff
  - ! Building committee management professional capacity across EPA
  - ! Creation of the “DFO Network,” a monthly meeting of DFOs intended to share best practices and present current information

## **Future Directions For the Advisory Process in EPA**

- ! The Committee Policy and Oversight Staff has developed and is implementing a workplan focused on further improvements in how EPA manages its advisory committees. Areas addressed in the workplan include:
  - ! Developing Agency policy related to GSA's Final Rule on Advisory Committee Management
  - ! Rewriting the EPA Committee Management Manual
  - ! Exploring issues surrounding advisory committee membership (e.g., how to ensure proper balance on committees, how to identify a broader pool of potential members, how to recruit and select members more efficiently)
  - ! Gathering information on, and tracking the status of, the various issues being considered by EPA's advisory committees
  - ! Developing a mechanism so EPA advisory committee activities fit within a strategic framework and are, as appropriate, coordinated
  - ! Partnering with GSA in the use of the GSA FACA Database to report and store advisory committee data
  - ! Capacity building and development of EPA's DFO community